

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO. 1:10CR384
)	
Plaintiff,)	
v.)	JUDGE SARA LIOI
)	
)	MOTION TO SCHEDULE A RULE 35
FRANK P. RUSSO,)	HEARING
Defendant.)	

Now comes counsel for the United States, and respectfully requests the Court to schedule a hearing on the Government's Motion to reduce defendant's sentence pursuant to Rule 35(b)(1) of the Federal Rules of Criminal Procedure. (Doc. 28).

Defendant pleaded guilty to an information on September 16, 2010 (Doc. 7), and was sentenced to a term of 262 months on December 15, 2010 (Doc. 19). The judgment was entered on December 29, 2010 (Doc. 21), and was amended on January 4, 2010 (Doc. 22). At sentencing, the United States indicated that Defendant was in the early stages of cooperating in the investigation and that a motion under Rule 35 might be made.

On December 14, 2011, the Government filed a Rule 35 Motion and asked the Court to defer ruling on said motion until Defendant's cooperation was substantially complete. (Doc. 28). The Government hereby informs the Court that Defendant's cooperation is substantially complete. The Government respectfully requests the Court to schedule a hearing at which time, the Government will apprise the Court of Defendant's cooperation and make a specific

sentencing recommendation. The Government is available for such hearing any time prior to October 25, 2012.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's system.

/s/Antoinette T. Bacon

Antoinette T. Bacon

Assistant U.S. Attorney